

April 15, 2004

TALBOT WEGG
3816 FIDALGO BAY RD
ANACORTES WA 98221

Subject: Complaint Filed Brian Wetcher – PDC Case No. 04-313

Dear Mr. Wegg:

The Public Disclosure Commission staff has completed its investigation of your complaint received November 20, 2003 alleging that Brian Wetcher violated the public disclosure law.

The PDC staff reviewed your allegation in light of the following statutes:

RCW 42.17.080 and .090 require candidates to file reports of contributions and expenditures. The reports must be timely, complete, and accurate. A PDC form C-3 must be completed for each bank deposit, and these reports must be filed monthly, except for the four months preceding the election when C-3 reports must be filed weekly. A PDC form C-4, summarizing contributions and expenditures, must be filed monthly if the campaign raised or spent at least \$200, except for special reports due 21 and 7 days before each election.

WAC 390-16-105 states that a candidate is not required to comply with the provisions of RCW 42.17.060 through 42.17.090 except as otherwise prescribed in WAC 390-16-038, 390-16-115, and 390-16-125 when neither aggregate contributions nor aggregate expenditures exceed the amount of the candidate's filing fee provided by law plus a sum not to exceed three thousand five hundred dollars and no contribution or contributions from any person other than the candidate within such aggregate exceed three hundred dollars.

You alleged that Brian Wetcher exceeded the limits of mini reporting and that the Brian Wetcher campaign failed to timely file reports of contributions and expenditures.

We found that:

- Brian Wetcher was a candidate for Anacortes Port Commissioner, District 4, in the November 2003 general election. Mr. Wetcher chose the mini reporting option for his campaign.
- Mr. Wetcher accepted a \$400 contribution from the Washington Conservation Voters Action Fund and deposited it in the campaign account on September 11, 2003.
- The Wetcher campaign refunded \$100 of the \$400 contribution to the Washington Conservation Voters Action Fund on October 31, 2003.

The \$100 excess contribution should have been refunded within five business days of receipt, and was not, resulting in acceptance of a contribution in excess of the mini reporting limits. However, the excess contribution was refunded before the election, and the alleged violation does not warrant enforcement action.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing your complaint against Brian Wetcher

If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll free at 1-877-601-2828.

Sincerely,

Vicki Rippie
Executive Director

c: Brian Wetcher